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## REMARKS

*I. Double Patenting Rejection*

Claims 1-24 are provisionally rejected under the judicially created doctrine of double patenting as being obvious in view of claims of co-pending Application serial No. 09/817,311.

It is submitted that this double patenting rejection is improper. A non-statutory double patenting rejection of the judicially-created "obviousness type" applies when a claim of a patent application defines an invention that is an obvious variation of, or anticipated by, an invention claimed in a commonly-owned patent, *i.e.*, the claimed subject matter is not patentably distinct, *In re Vogel*, 422 F.2d 438, 441 (C.C.P.A. 1970). An obviousness-type double patenting determination involves a two-part inquiry. First, the claims of the earlier patent and the later patent or patent application are construed, and the differences determined, *Eli Lilly & Co. v. Barr Labs., Inc.*, 251 F.3d 955, 968 (Fed. Cir. 2001). Second, a determination is made as to whether differences between the two claims render the claimed inventions "patentably distinct", *Id.* Although the disclosure of a patent involved in a double patenting analysis may not be used as prior art, it may be used to interpret the meaning of a claim, *In re Vogel*, 422 F.2d 438, 441 (C.C.P.A. 1970).

An obviousness-type double patenting inquiry requires an analysis similar to a determination of obviousness under 35 U.S.C. § 103, except that the disclosure of the patent that is the basis of the double patenting rejection is not available as "prior art", *In re Longi*, 759 F.2d 887, 892 n.4 (Fed. Cir. 1985); MPEP §804. Further, the patent examiner has the burden of showing a *prima facie* case for obviousness-type double patenting, applying the factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966), *i.e.*, determination of the scope and content of a patent claim and the prior art relative to a claim in the patent application at issue, determination of the differences claim in the patent application at issue, determination of the differences between the scope and content of the patent claim and the prior art and the claim in the application at issue, determination of the level of ordinary skill in the pertinent art, and evaluation of objective indicia of nonobviousness, M.P.E.P. § 804.II.B.I; *see also In re Dembiczak*, 175 F.3d 994, 998 (Fed. Cit. 1999) (stating that the *Graham* factors are to be applied in a double patenting analysis).

Applicant submits the Examiner has failed to meet his burden of showing a *prima facie* case for obviousness-type double patenting. The Examiner did

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not compare the right claims. Claim 1 in Application serial No. 09/817,311 is currently "1. A system employed by a first application for supporting concurrent operation of a plurality of network compatible applications, comprising:

an entitlement processor for authorizing user access to said first application in response to validation of user identification information; and

a communication processor for initiating generation of,

a session identifier particular to a user initiated session and for use by a plurality of concurrently operating applications to uniquely identify said user initiated session and

an encryption key for use by said first application in encrypting personal record parameters conveyed in URL data,

in response to validation of user identification information wherein

said communication processor communicates additional parameters to a managing application for storage, said additional parameters including one or more of, (a) an authentication service identifier, (b) a language identifier, (c) a URL to direct a browser to a starting application upon termination of a session, (d) a URL for use in acquiring a web page providing a logon menu to support user initiation of another session, (e) a URL to be contacted upon a predetermined event and (f) an identification of a type of said predetermined event".

The scope and content of the claims of the Applications concerned is fundamentally different. The current Application recites "communicating a URL to a managing application for storage, said URL being for use in acquiring a web page providing a single logon menu to support user access to a plurality of different applications individually requiring user logon information in response to said authenticated user identification information; and automatically communicating application specific context information to a particular application of said plurality of different applications in response to a user command to initiate execution of said particular application and in response to automatic logon to said particular application via said single logon menu". Application serial No. 09/817,311 fails to claim either of these limitations let alone their combination. Further, this combination of limitations is not suggested in the claims of Application serial No. 09/817,311. Similarly, claim 1 (and the other claims) of Application serial No. 09/817,311 nowhere show or suggest "a communication processor for initiating generation of, a session identifier particular to a user initiated session and for use by a plurality of concurrently operating applications to uniquely identify said user initiated session and an encryption key for use by said first application in encrypting personal record parameters conveyed in

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URL data, in response to validation of user identification information wherein said communication processor communicates additional parameters to a managing application for storage, said additional parameters including one or more of, (a) an authentication service identifier, (b) a language identifier, (c) a URL to direct a browser to a starting application upon termination of a session, (d) a URL for use in acquiring a web page providing a logon menu to support user initiation of another session, (e) a URL to be contacted upon a predetermined event and (f) an identification of a type of said predetermined event". Consequently, withdrawal of the provisional obviousness double patenting Rejection is respectfully requested.

## *II. Rejection under 35 U.S.C. 102(e)*

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent 6,868,448 – Gupta et al. These claims are considered to be patentable for the following reasons.

Claim 1 recites a method "used by a first application for supporting concurrent operation of a plurality of network compatible applications" comprising "receiving user identification information; initiating authentication of said user identification information; communicating a URL to a managing application for storage, said URL being for use in acquiring a web page providing a single logon menu to support user access to a plurality of different applications individually requiring user logon information in response to said authenticated user identification information; and automatically communicating application specific context information to a particular application of said plurality of different applications in response to a user command to initiate execution of said particular application and in response to automatic logon to said particular application via said single logon menu". These features are not shown or suggested in Gupta.

Gupta does not show or suggest "automatically communicating application specific context information to a particular application of said plurality of different applications in response to a user command to initiate execution of said particular application and in response to automatic logon to said particular application via said single logon menu". Such application specific context information includes a patient identifier or user identifier, for example (Application page 10 lines 35-37). The claimed system advantageously "automatically" communicates "application specific context information to a particular application of said plurality of different applications" such as a patient identifier "in response to automatic logon to said

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particular application via said single logon menu". Thereby the system enables a user to logon to a first application such as a patient census application and gain automatic access to multiple other applications such as a medical laboratory test result application and in response to user activation of the test result application, be **automatically provided** with desired test results for the specific patient selected in the first patient administration application (see the example described in the Application on page 5 lines 6-10 and elsewhere in connection with Figure 2). This is done without the user having to re-enter context information (e.g., a patient identifier) by link selection or another command following automatic logon to a second application. This capability is not shown or suggested in Gupta.

Further, there is no 35 USC 112 compliant disclosure in Gupta of a system enabling "communicating a URL" of a web page providing a single logon menu to a "managing application for storage". Such a feature advantageously facilitates "user initiation (e.g., logon), operation and termination (e.g., logoff) of multiple Internet applications" and "securely passing URL, patient (and user) identification and other information between applications" (Application page 4 lines 21-25. The combination of single logon page **together with** automatic communication of application specific context information "in response to a user command to initiate execution of said particular application and in response to automatic logon" facilitates user friendly operation and user seamless navigation in a plurality of concurrently operating applications. The system addresses the problems involved in "facilitating user initiation (e.g., logon), operation and termination (e.g., logoff) of multiple Internet applications and in securely passing URL, patient (and user) identification and other information between applications. A managing application is employed to coordinate user operation sessions. Specifically the managing application coordinates inactivity timeout operation and maintains and conveys properties between concurrent applications in order to **create a smooth user operation session**" (Application page 4 lines 23-29).

In contrast, the sections of Gupta relied on in the Rejection on page 4 (column 17 lines 45-52) merely disclose that "the client need only enter a single login (i.e., with login service 514C) to access multiple applications and network services" (column 17 lines 50-52). Gupta fails to suggest "automatically" communicating "application specific context information to a particular application" at all. The only reference to application data in Gupta occurs in column 10 lines 1-2 where it is stated "Database server 112 is responsible for storing application data in a persistent store such as a relational database (RDB) or an object-oriented database (OODB), for

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example". This provides no suggestion of "automatically" communicating "application specific context information to a particular application of said plurality of different applications" such as a patient identifier "in response to automatic logon to said particular application via said single logon menu".

Gupta does not disclose "communicating a URL to a managing application for storage, said URL being for use in acquiring a web page providing a single logon menu to support user access to a plurality of different applications individually requiring user logon information in response to said authenticated user identification information". Gupta also does not disclose "automatically communicating application specific context information to a particular application of said plurality of different applications in response to a user command to initiate execution of said particular application and in response to automatic logon to said particular application via said single logon menu". Gupta also fails to show or suggest the combination of these features.

Gupta further fails to show or suggest "communicating a URL to a managing application for storage, said URL being for use in acquiring a web page providing a single logon menu to support user access to a plurality of different applications individually requiring user logon information". Gupta, in column 13 lines 5-7 states "the credential can be used to enable a client to enter a single login for all of the applications and/or network services that it accesses". That is Gupta discloses a client executable application is able to enter "a single login for all of the applications and/or network services that it accesses". However, there is no disclosure of enabling a user to do this or of "communicating a URL to a managing application for storage, said URL being for use in acquiring a web page providing a single logon menu to support user access to a plurality of different applications individually requiring user logon information". Contrary to the Rejection statement, there is no disclosure in columns 11, 12, 14 and 18 of Gupta relied on in the Rejection on page 3 of "communicating a URL" of a "web page providing a single logon menu" to "a managing application for storage". There is no disclosure of communicating a URL of a "logon" menu web page or of the claimed "managing application" at all. Gupta in column 12 lines 60-64 discusses a "start page" ("Profile service 514D can examine a client's profile information to identify and create a start page (e.g., an initial page that displays in client tier 102) once the client has successfully logged in. The initial screen is transmitted to client tier 302 for display by browser 306 in client tier 302"). However, this "start page" is displayed after "the client has successfully logged in" and consequently cannot be a logon menu but is merely an initial page that is

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displayed. Consequently withdrawal of the Rejection of amended claim 1 under 35 USC 102(e) is respectfully requested.

Dependent claim 2 is considered to be patentable based on its dependence on claim 1. Claim 2 is also considered to be patentable because Gupta does not show or suggest a system in which "said plurality of different applications individually require different user logon information" and "said application specific context information comprises a patient identifier and including the step of automatically using said URL to acquire data representing said web page providing a single logon menu in response to a detected logoff condition". Gupta, fails to suggest automatically communicating "application specific context information" between two applications comprising "a patient identifier" following automatic logon to the two applications via "a web page providing a single logon menu to support user access to a plurality of different applications individually requiring different user logon information". Further, Gupta, fails to suggest "automatically using said URL to acquire data representing said web page providing a single logon menu in response to a detected logoff condition". This feature advantageously provides a unified logon page to individual applications following a logoff occurring to an individual application of "said plurality of different applications". Such a capability is not discussed or contemplated in Gupta. Gupta fails to even mention a "logoff" condition and provides no 35 USC 112 enabling disclosure of automatically using a common URL of a logon page to automatically support re-logon to an individual application of "said plurality of different applications" in the event of a logoff condition (Application page 17 lines 14-17).

Gupta column 15 lines 30-62 relied on in the Rejection states "When information is transmitted to WebDist 928, a properties file is also provided. The properties file specifies all additional information and dependencies that are needed for the application to run...The properties file consists of the name of the channel or application being provided, the owner of the channel/application, and any dependencies (c.g., other channels needed to use the current channel and information regarding how to retrieve the needed channel". Further, "Information and applications distributed and managed by the Castanet product through the transmitters and receivers are referred to as channels" (Gupta column 3 lines 61-63). The properties file comprises a name, owner, other applications and information needed to retrieve an application i.e. ancillary information related to an executable application and NOT context information employed by an executable application. Consequently, a properties file is NOT "application specific context information" e.g. "a patient

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identifier" and is provided "when information is transmitted to WebDist 928" and NOT in response to automatic logon to two applications via "a web page providing a single logon menu to support user access to a plurality of different applications individually requiring different user logon information", for example. Gupta fails to provide or suggest any 35 USC 112 compliant enabling teaching of automatically communicating "application specific context information" between two applications comprising "a patient identifier" following automatic logon to the two applications via "a web page providing a single logon menu to support user access to a plurality of different applications individually requiring different user logon information".

Dependent claim 3 is considered to be patentable based on its dependence on claim 1. Claim 3 is also considered to be patentable because Gupta does not show or suggest the feature combination including "communicating additional parameters to said managing application for storage, said additional parameters including one or more of, (a) an authentication service identifier, (b) a language identifier, (c) a frame identifier identifying a browser frame to be used, (d) a timeout value and (e) user identification information and receiving parameters from said managing application including one or more of, (i) a session identifier corresponding to a particular user logon initiation, (ii) a session key for use in encrypting or decrypting URL data and (iii) a parameter identifying success or failure of a request to establish a session". The system of Gupta fails to provide a 35 USC 112 compliant enabling description of the feature combination of claim 3 concerning storing parameters by, and receiving parameters from, a "managing application" supporting logon and "user access to a plurality of different applications individually requiring user logon information".

Dependent claim 4 is considered to be patentable based on its dependence on claim 1. Claim 4 is also considered to be patentable because Gupta does not show the feature combination in which "said URL is for use in acquiring a web page providing a common logon menu to support user access to a plurality of different applications including said first application following termination of said first application" and "said application specific context information is communicated to said particular application in a data field of a URL". As previously explained, Gupta fails to discuss or contemplate use of "common logon menu to support user access to a plurality of different applications including said first application following termination of said first application". Further, Gupta, fails to suggest automatically communicating "application specific context information" to "said particular application in a data field of a URL" following automatic logon to the two

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applications via "a web page providing a single logon menu to support user access to a plurality of different applications individually requiring different user logon information". Contrary to the Rejection statement on page 5, Gupta in column 17 lines 45-52 or elsewhere does not recognize or mention a logoff condition comprising "termination of said first application" and fails to show or suggest providing a "common logon menu to support user access to a plurality of different applications including said first application" in response to such "termination".

Dependent claim 5 is considered to be patentable based on its dependence on claim 1. Claim 5 is also considered to be patentable because Gupta does not show or suggest the feature combination of claim 5 in which "said communicating step communicates a timeout value to said managing application for determining an inactivity period for triggering automatic logoff of at least one of a plurality of concurrently open applications". Contrary to the Rejection statement on page 5, Gupta does not recognize or mention a logoff condition comprising "termination of said first application" and fails to show or suggest providing a "common logon menu to support user access to a plurality of different applications including said first application" in response to such "termination". Gupta is not concerned with such features. Gupta in column 15 lines 30-62 relied on in the Rejection (page 5), does NOT show or suggest "communicating" a "timeout value" to "said managing application for determining an inactivity period for triggering automatic logoff of at least one of a plurality of concurrently open applications". As previously explained in connection with claim 2, the "properties file" of Gupta fails to disclose or suggest such features.

Dependent claim 6 is considered to be patentable based on its dependence on claim 1. Claim 6 is also considered to be patentable because Gupta does not show or suggest the claim 6 feature combination involving "communicating an authentication service identifier to said managing application; and receiving a user identification code associated with said authentication service from said managing application". The applets of the webtop server of columns 10 and 13 relied on in the Rejection have no bearing on such a feature combination.

Dependent claim 7 is considered to be patentable based on its dependence on claim 1 and because of the additional feature combination it comprises. Gupta in column 5 lines 3-12 merely discloses use of encryption to validate a downloaded applet is from a trusted source. This has no bearing on "communicating a URL to said managing application" by "encrypting said URL and



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communicating an encoded URL to said managing application". Gupta does not show or suggest "communicating a URL" of a "logon menu" web page or use of such a "managing application" in the claim context or "encrypting said URL and communicating an encoded URL to said managing application".

Independent claim 8 is considered to be patentable for reasons given in connection with claim 1. Claim 8 is also considered to be patentable because Gupta does not show or suggest a "browser application for receiving user identification information and for initiating communication of said user identification information to a second application in response to user selection of an icon displayed in a browser window; a managing application for receiving a URL from said second application for storage, said URL being for use in acquiring a web page providing a single logon menu to support user access to a plurality of different applications individually requiring user logon information in response to said authenticated user identification information; and a communication processor for automatically communicating application specific context information to a particular application of said plurality of different applications in response to a user command to initiate execution of said particular application and in response to automatic logon to said particular application via said single logon menu".

The system of Gupta fails to suggest use of a "managing application for receiving a URL from said second application for storage" and for "use in acquiring a web page providing" the "single logon menu". Further the combined references fail to suggest these features in combination with "a browser application for receiving user identification information and for initiating communication of said user identification information to a second application in response to user selection of an icon displayed in a browser window". The claimed system advantageously "automatically" communicates "application specific context information to a particular application of said plurality of different applications" such as a patient identifier "in response to automatic logon to said particular application via said single logon menu". The combination of single logon page together with automatic communication of application specific context information "in response to a user command to initiate execution of said particular application and in response to automatic logon" facilitates user friendly operation and user seamless navigation in a plurality of concurrently operating applications. These features are nowhere discussed or suggested in Gupta.

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Dependent claim 9 is considered to be patentable based on its dependence on claim 8 and for reasons given in connection with claims 1, 3 and 8. Dependent claim 9 is also considered to be patentable because Gupta does not show or suggest a system involving "automatically communicating application specific context information to a particular application of said plurality of different applications in response to a user command to initiate execution of said particular application" made "from within said second application" and "in response to automatic logon to said particular application via said single logon menu".

Dependent claim 10 is considered to be patentable based on its dependence on claim 8 and for reasons given in connection with claims 1, 3 and 8.

Dependent claim 11 is considered to be patentable based on its dependence on claim 8 and for reasons given in connection with claims 1, 5 and 8.

Dependent claim 12 is considered to be patentable based on its dependence on claim 8 and for reasons given in connection with claims 1, 3 and 8.

Dependent claim 13 is considered to be patentable based on its dependence on claim 8 and for reasons given in connection with claim 1 and 8.

Dependent claim 14 is considered to be patentable based on its dependence on claim 8 and for reasons given in connection with claim 1 and 8.

Independent claim 15 recites a system "supporting concurrent operation of a plurality of Internet compatible applications including first and second applications, comprising: a web browser application including, a user interface display generator for generating a browser window containing icons enabling user initiation of operation of said first and second applications; a menu generator for providing a logon menu common to said plurality of Internet compatible applications individually requiring user logon information by acquiring a web page providing said common logon menu from a logon web page URL address provided to said browser application by said second application, said logon web page URL address being conveyed from said first application to said second application in response to user initiation of said second application via said browser window; and a communication processor for automatically communicating application specific context information to a particular application of said plurality of Internet compatible applications in response to a user command to initiate execution of said particular application and in

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response to automatic logon to said particular application via said single logon menu". These features are not shown or suggested in Gupta for the reasons given in connection with claims 1 and 8.

Dependent claim 16 is considered to be patentable based on its dependence on claim 15.

Dependent claim 17 is considered to be patentable based on its dependence on claim 15. Dependent claim 17 is also considered to be patentable because Gupta does not show or suggest a system in which "said logon web page URL address is conveyed from said first application to said second application following communication of said URL address to a managing application and retrieval of said URL address from said managing application by said second application". Gupta in column 11 lines 1-7, column 14 lines 4-11, 56-67 and column 17 lines 14-52 does not show or suggest a system involving a "logon web page URL address" being "conveyed from said first application to said second application following communication of said URL address to a managing application and retrieval of said URL address from said managing application by said second application". Gupta does not mention or suggest use of a "logon web page URL address" at all. The "proxy services" of Gupta column 17 lines 14-52 are "Proxy services 604 of webtop server 308 comprises proxies that can act as a conduit for communications between multiple clients and multiple application servers" (Gupta column 17 lines 36-39). Such services do not suggest or provide any 35 USC 112 compliant enabling disclosure of conveying a "logon web page URL address" from a "first application to said second application following communication of said URL address to a managing application and retrieval of said URL address from said managing application by said second application".

Dependent claim 18 is considered to be patentable based on its dependence on claim 15. Dependent claim 18 is also considered to be patentable because Gupta does not show or suggest a system in which "said logon web page URL address is conveyed from said first application to other applications of said plurality of Internet compatible applications following activation of said other applications". Gupta in column 8 lines 50-65 does not show or suggest a system involving a "logon web page URL address" being "conveyed from said first application" to "other applications of said plurality of Internet compatible applications

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**following activation of said other applications".** Gupta does not mention or suggest use of a "logon web page URL address" at all.

Dependent claim 19 is considered to be patentable based on its dependence on claim 15. Dependent claim 19 is also considered to be patentable because Gupta does not show or suggest a system in which a "menu generator provides said logon menu in response to at least one condition of, (a) upon logoff from a session of activity, (b) a termination condition arising from an error condition and (c) upon time-out condition arising due to inactivity of said second application". None of the conditions relied on in the Rejection in Gupta column 15 lines 30-62 have anything to do with "logoff from a session of activity, (b) a termination condition arising from an error condition and (c) upon time-out condition arising due to inactivity of said second application". Contrary to the Rejection statement on page 7, the "re-request" of Gupta column 15 lines 38 is performed "automatically" (column 15 line 38) and not in response to at least one condition of, (a) upon logoff from a session of activity, (b) a termination condition arising from an error condition and (c) upon time-out condition arising due to inactivity of said second application".

Independent claim 20 is considered to be patentable for the reasons given in connection with the preceding claims.

Independent claim 21 recites a system "A system used for supporting concurrent operation of a plurality of network compatible applications, comprising: a processor for receiving and storing a URL from a first application, said URL being for use in acquiring a web page providing a single logon menu to support user access to a plurality of different applications; and at least one communication processor for, communicating said URL and a session identifier to a second application of said plurality of different applications individually requiring user logon information in response to a request by said second application to said managing application to establish a session of user operation and automatically communicating application specific context information to said second application of said plurality of different applications in response to a user command to initiate execution of said second application and in response to automatic logon to said second application via said single logon menu". These features are not shown or suggested in Gupta for the reasons given in connection with claims 1, 3 and 8 and for additional reasons.

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Amended dependent claim 22 is considered to be patentable based on its dependence on claim 21 and for reasons given in connection with claims 1, 19 and 21.

Independent method claims 23 and 24 mirror apparatus claims 21 and 15 respectively and are considered to be patentable for similar reasons. Consequently withdrawal of the Rejection of claim 1-24 under 35 USC 102(e) is respectfully requested.

In view of the above amendments and remarks, Applicants submit that the Application is in condition for allowance, and favorable reconsideration is requested.

Respectfully submitted,



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